

REMARKS

Claims 1-13 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,606,607 to Martin et al. (“Martin”) and U.S. Patent No. 6,161,099 to Harrington et al. (“Harrington”)

The Examiner has rejected claims 1-13 as being unpatentable over Martin in view of Harrington.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a supplier terminal that randomly selects a price of a product from a plurality of prices within a predetermined price range, and presents the selected price on the user terminal together with a predetermined term of validity.

The Examiner maintains that the “predetermined time period” discussed in Martin discloses the claimed predetermined term of validity (col. 6, lines 20-63). However, the “predetermined time period” of Martin is in reference to a time limit set on a bidder for submitting his/her three allowed bids. In particular, if a bidder has submitted more than three bids during the predetermined time period, the bidder is locked out of the bidding process for the particular product in question (col. 6, lines 30-34). In the example provided in Martin, the predetermined time period is set at one hour (col. 6, lines 29-30).

In view of the above, the predetermined time period of Martin is in reference to a process of locking a bidder out of a bidding, based on the number of bids presented by the user. On the

contrary, the claimed predetermined term of validity of claim 1 is in regard to a selected price presented by the supplier terminal, and how long that presented price remains valid (i.e., the presented price is sent to the user terminal together with the predetermined term of validity).

Accordingly, Martin fails to teach or suggest the claimed predetermined term of validity. Since Harrington fails to cure the deficient teachings of Martin, Applicant submits that claim 1 is patentable over the cited references, and respectfully requests the Examiner to withdraw the rejection.

B. Claims 2-4

Since claims 2-4 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 5 and 7

Since claims 5 and 7 contain analogous features as recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as presented above.

D. Claims 6 and 8-13

Since claims 6 and 8-13 are dependent upon one of claims 1, 5 and 7, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Newly Added Claims

Applicant has added claims 14 and 15 to provide more varied protection for the present invention.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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